THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24068 of 2006

20.12.2006

Between:

Thanneru Guruvaiah, S/o.Lachaiah

… Petitioner

AND

The District Collector, Adilabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24068 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.0.04 guntas in survey No.80/29 and Acs.0.02 guntas in survey No.81/1 situated at Garmilla Shivar of Mancherial Mandal in Adilabad District. He approached respondents 3 and 4 requesting for survey and demarcation of the land. The office of the fourth respondent sent a notice in the matter of survey scheduled on 28.9.2004 at 8.30 am. The petitioner alleges that though he was present on that day no survey was conducted. The petitioner filed a suit for injunction being O.S.No.154 of 2005 on the file of the Court of the Junior Civil Judge, Mancherial against one Thotam Bheemaiah when he tried to encroach upon the land. The Civil Court already granted injunction on 30.3.2005. The petitioner approached the respondents for conducting survey and demarcation and in spite of the same, survey was not conducted. Therefore, he filed the instant writ petition seeking a writ of Mandamus directing the respondents to survey and demarcate the land.

At the stage of admission itself, counter affidavit is filed. It is stated that pursuant to the application made by petitioner in July 2004, Mandal Surveyor scheduled to conduct survey on 28.9.2004, after issuing notice to all the concerned. As the area is covered by houses, demarcation and survey could not be conducted. Accordingly the Mandal Surveyor submitted a report on 08.3.2006. Based on such report, the Mandal Revenue Officer (MRO) submitted a report to the District Collector on 10.3.2006 stating that survey cannot be conducted as the land is covered by houses. In the meanwhile Gouda Kumar filed a suit being O.S.No.32 of 2006 on the file of the Court of the Junior Civil Judge, Mancherial, against the petitioner. The same was decreed on 13.4.2006 *ex parte*. Thereafter the petitioner filed the

present writ petition.

The counter affidavit is filed on 13.12.2006. Though the matter was adjourned twice, petitioner has not filed any reply affidavit denying the counter averments. It only shows that the petitioner having suffered decree in the lower Court, is trying to get the land surveyed and demarcated. As seen from the counter affidavit, Mandal Surveyor could not conduct survey as the entire area is covered by houses. Therefore, no Mandamus as prayed for can be granted. It shall however be open to the petitioner to obtain a copy of the report from the MRO and prefer appeal before the Commissioner of Survey, Settlements and Land Records, under Section 11 of A.P. Survey and Boundaries Act, 1923.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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December 20, 2006. (**V.V.S.RAO,J**)

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